Senate

Record of Committee Proceedings

Committee on Agriculture and Insurance

Assembly Bill 1073

Relating to: recovery of noneconomic damages in medical malpractice cases.

By Representatives Gielow, J. Fitzgerald, Wasserman, Ainsworth, Albers, Ballweg, Benedict, Davis, Fields, F. Lasee, Freese, Gottlieb, Gronemus, Gunderson, Hahn, Honadel, Hubler, Hundertmark, Kerkman, Krawczyk, Kreibich, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Musser, Nerison, Newcomer, Nischke, Ott, Pettis, Pridemore, Shilling, Seidel, Sheridan, Stone, Strachota, Suder, Towns, Underheim, Van Roy, Vos, Vruwink, Vukmir, Ward, Ziegelbauer and Hines; cosponsored by Senators S. Fitzgerald, Brown, Cowles, Darling, Grothman, Harsdorf, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Roessler and Zien.

March 03, 2006 Referred to Committee on Agriculture and Insurance.

March 6, 2006 PUBLIC HEARING HELD

Present: (7) Senators Kapanke, Kedzie, Brown, Olsen,

Erpenbach, Hansen and Miller.

Absent: (0) None.

Appearances For

- Scott Fitzgerald Sen., WI State Senate
- Curt Gielow, Madison Rep., Author
- William Bablitch Justice
- Ray Taffora WI Hospital Assoc/WI Medical Society
- Mark Belknap Dr., WI Medical Society
- Charles Sammis Dr., WI Medical Society
- Eric Borgerding WI Hospital Assoc
- Mark Grapentine, Madison WI Medical Society
- David Olson, Marinette Bay Area Medical Center

Appearances Against

- Jessica Greenfield, Waupun Self
- Elizabeth Morrison, Madison self
- Keith Clifford, Madison Self

Appearances for Information Only

• None.

Registrations For

- Maureen McNally, Milwaukee Froedtert & Community Health
- Dan Schwartzer, Madison WI Association of Health Underwriters
- Elizabeth Schumacher, Madison Meriter
- Ron Kuehn, Madison Professional Insurance Agents
- Michael Welsh, Madison WI Public Health Association

Registrations Against

- Daniel Rottier, Madison WI Academy of Trial Lawyers
- Lisa Roys, Madison State Bar of Wisconsin
- Randy Greenfield, Waupun Self
- Kris Tazelaar, Sun Prairie Self
- Michael Davis, Fitchburg Self
- Jane Garrott, Stoughton self
- Paul Sicula, Milwaukee WI Academy of Trial Lawyers
- Jeff Spitzer-Resniek, Madison WI Coalition for Advocacy
- John Cates, Madison Gingras, Cates, and Luebke
- Darcy Haber WI Citizen Action

March 6, 2006 **EXECUTIVE SESSION HELD**

Present: (7) Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Absent: (0) None.

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment 2658/1** be recommended for introduction.

Ayes: (7) Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT 2658/1 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment 2658** be recommended for adoption.

Ayes: (3) Senators Erpenbach, Hansen and Miller.

Noes: (4) Senators Kapanke, Kedzie, Brown and Olsen.

ADOPTION OF SENATE AMENDMENT 2658 NOT RECOMMENDED, Ayes 3, Noes 4

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment LRBa2659** be recommended for introduction.

Ayes: (7) Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT LRBA2659 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment 2659** be recommended for adoption.

Ayes: (3) Senators Erpenbach, Hansen and Miller.

Noes: (4) Senators Kapanke, Kedzie, Brown and Olsen.

ADOPTION OF SENATE AMENDMENT 2659 NOT RECOMMENDED, Ayes 3, Noes 4

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment LRBa2660** be recommended for introduction.

Ayes: (7) Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT LRBA2660 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment 2660** be recommended for adoption.

Ayes: (3) Senators Erpenbach, Hansen and Miller.

Noes: (4) Senators Kapanke, Kedzie, Brown and Olsen.

ADOPTION OF SENATE AMENDMENT 2660 NOT RECOMMENDED, Ayes 3, Noes 4

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment a2661** be recommended for introduction.

Ayes: (7) Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT A2661 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Miller, seconded by Senator Hansen that **Senate Amendment 2661** be recommended for adoption.

Ayes: (3) Senators Erpenbach, Hansen and Miller.

Noes: (4) Senators Kapanke, Kedzie, Brown and Olsen.

ADOPTION OF SENATE AMENDMENT 2661 NOT RECOMMENDED, Ayes 3, Noes 4

Moved by Senator Olsen, seconded by Senator Kedzie that **Assembly Bill 1073** be recommended for concurrence.

Ayes: (4) Senators Kapanke, Kedzie, Brown and Olsen.

Noes: (3) Senators Erpenbach, Hansen and Miller.

CONCURRENCE RECOMMENDED, Ayes 4, Noes 3

John Perlich Committee Clerk